

1 SHARI L. WHITE, SBN 180438
SARA ZALKIN, SBN 223044
2 506 Broadway
San Francisco CA 94133
3 Telephone: 415/986-5591

4 Attorneys for Defendant
JOSE CASTELLANOS
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8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND ORDER TO
CONTINUE STATUS HEARING

14 JOSE CASTELLANOS,

15 Defendant.
16 _____/

17 At the request of the parties, the Court enters this order
18 (a) continuing the status hearing presently set for November 7,
19 2008, to December 12, 2008 at 1:00 p.m. (specially set); and (b)
20 excluding time under the Speedy Trial Act from November 7, 2008,
21 based on the following:

22 1. Since the last call of the case, counsel met and
23 conferred on October 24, 2008 and then met with Magistrate
24 Larson on October 30, 2008.

25 2. As a result of these discussions, counsel have agreed
26 upon the offense of conviction and have tentatively agreed upon
27 the base offense level for purposes of Guidelines calculations.

28 3. The parties contemplate that the plea agreement will

1 be pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal
2 Procedure.

3 4. A status hearing is presently set for Friday, November
4 7, 2008, at 9:00 a.m.

5 5. There are aspects of the contemplated plea agreement
6 that still need to be finalized, and counsel for the government
7 will need to obtain supervisorial approval.

8 6. Accordingly, the parties mutually request that the
9 November 7, 2008, date be vacated and that the matter be
10 continued to December 12, 2008 for a specially set change of
11 plea (at 1:00 p.m.).

12 7. The parties stipulate that the time is excludable from
13 the time limitations of the Speedy Trial Act because the
14 interests of justice are served by granting a continuance. This
15 continuance, requested by the parties, will permit continuity of
16 counsel, and allow the reasonable time necessary for effective
17 preparation, taking into account the exercise of due diligence.
18 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

19 THE PARTIES THEREFORE STIPULATE that the status hearing be
20 continued from November 7, 2008, to December 12, 2008 with time
21 continuing to be excluded as specified above, such that the ends
22 of justice served by granting such a continuance outweigh the
23 best interests of the public and the defendant in a speedy
24 trial.

25 Dated: November 4, 2008

27 /s/ SHARI L. WHITE
28 SHARI L. WHITE
Attorney for JOSE CASTELLANOS

/s/ TIMOTHY J. LUCEY
TIMOTHY J. LUCEY
Assistant U.S. Attorney

ORDER

Good cause appearing, and based upon the stipulation of the parties,

IT IS HEREBY ORDERED that the status hearing in this matter is continued to December 12, 2008, at the hour of 1:00 p.m. and that time is excluded as stipulated.

Dated: November 4, 2008



D. LOWELL JENSEN, Judge
United States District Court